IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3530 OF 2005

Rangnath Umaji Gajarmal. ...Petitioner.
Vs.
Union of India & Anr. ...Respondents.
....
Mr.K. B. Rajan for the Petitioner.
Mrs.N. V. Masurkar for Respondent Nos.2 to 4.
.....

CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

August 5, 2005.

P.C.:

The Central Administrative Tribunal has dismissed the Original Application filed by the Petitioner (Original Application 846 of 2002), by its impugned order dated 16th November 2004 on the ground of limitation. The Review filed by the Petitioner has also been dismissed on 13th January 2005. In order to appreciate the controversy, the relevant factual material may be adverted to.

The Petitioner was appointed as a Primary School Assistant Teacher under the Administrator of the Union Territory of Dadra Nagar Haveli on 21st March 1955. The Government of India is stated to have created certain posts of Headmaster for the Primary Schools in 1972-73 and again in 1979. The Petitioner

came to be promoted as a Headmaster on 17th August 1979. The Petitioner retired from service on attaining the age of superannuation on 31st October 1992. A representation was submitted by the Petitioner on 24th July 1997 claiming that he was entitled to promotion in 1973 instead of 1979, when he was actually granted promotion. The representation was rejected on 25th March 2002 and an Original Application was filed before the Tribunal on 24th September 2002. The grievance of the Petitioner related to the actual date with effect from which he should be appointed as Headmaster. No grievance was made by the Petitioner between 1979 when he was promoted and until he attained the age of superannuation on 31st October 1992. Even the representation thereafter was filed nearly five years after superannuation. In these circumstances, the Tribunal was justified in coming to the conclusion that the claim of the Petitioner was entirely stale and was barred by limitation. We do not find any reason to interfere in the exercise of our jurisdiction under Article 226 of the Constitution. The petition is accordingly dismissed.

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